

United States District Court

WESTERN DISTRICT OF WASHINGTON

DERRICK KIRKWOOD,

v.

PAT GLEBE,

JUDGMENT IN A CIVIL CASE

C09-5593 RBL/KLS

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's Motion for an Extension of Time to File Objections [Dkt. #23] is **DENIED as MOOT**;
- (3) Petitioner's writ of habeas corpus (Dkt. 2) is **DENIED** and this action is **DISMISSED WITH PREJUDICE**; and
- (4) The Court declines to issue a certificate of appealability because the Petitioner has failed to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

August 2, 2010

Date

BRUCE RIFKIN

Clerk

s/ Mary Trent

Deputy Clerk